

V. REMARKS

Claims 1-3 are provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending Application No. 10/697,027.

In determining double patenting, the issue is whether any claim of the application defines merely an obvious variation of an invention claimed in the earlier patent or application. It does not prohibit a later claiming of subject matter that is disclosed but not claimed in the earlier patent or application. Double patenting is concerned with attempts to "claim" related subject matter twice. In re Gibbs, 437 F.2d 486, 168 USPQ 578 (CCPA 1971).

Claim 1 is directed to a gaming machine that includes a variable display device for variably displaying designs and a front display device disposed in front of the variable display device. Claim 1 recites that the front display device includes an electrical display device for allowing said variable display device to be observed therethrough and a rear holder for holding the electrical display device from a rear side thereof. Claim 1 further recites that the rear holder has one or more windows allowing the designs variably displayed in said variable display device to be observed and that the peripheral corner portions in the rear side of the windows are removed therefrom.

Co-pending application 10/697,238 does not claim a rear holder having peripheral corner portions in the rear side of the windows that are removed therefrom.

The issue in addressing the judicially created doctrine of obviousness-type double patenting is whether any claim of the application defines merely an obvious variation of the invention claimed in the co-pending application. Without a rear holder recited in the co-pending application, it is respectfully submitted that it is not

possible that the claims of the present application would be merely an obvious variation of the claims in the co-pending application.

It is respectfully submitted that none of the claims of the present application attempts to "claim" related subject matter twice in view of the co-pending application.

Furthermore, the Examiner must establish a prima facie case of obviousness-type double-patenting or the rejection, if applied, will be reversed by the Board of Patent Appeals.

The Examiner is obligated to clearly set forth the basis of an obviousness-type double-patenting rejection. Under MPEP 804 II. B. 1., it states:

Any obviousness-type double patenting rejection should make clear:

(A) The differences between the inventions defined in the conflicting claims--a claim in the patent compared to a claim in the application; and

(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent.

It is respectfully submitted that the rejection is also improper because the Examiner fails to make clear the obviousness-type double patenting rejection, particularly subparagraphs (A) and (B) above. As a result, it is respectfully submitted that the Examiner fails to establish a prima facie case of obviousness-type double patenting.

Withdrawal of the rejection is respectfully requested.

Claims 1-3 are rejected under 35 USC 103 (a) as being unpatentable over Weiss (U.S. Patent No. 6,623,006) in view of Loose (EP 1 260 928). The rejection is respectfully traversed.

Weiss discloses a gaming device having a plurality of mechanical reels placed adjacent to a thin profile video display. The thin profile video display allows access to storage rearward thereof. The close relationship of the video display and reels allows a player to view both video display and the reels within one's field of vision.

Loose discloses a reel-spinning slot machine having a superimposed video image thereon.

As mentioned above, claim 1 recites that the rear holder that has one or more windows allowing the designs variably displayed in said variable display device to be observed and that the peripheral corner portions in the rear side of the windows are removed therefrom.

It is respectfully submitted that none on the applied art, alone or in combination, teaches or suggests the features of claim 1. Specifically, none on the applied art, alone or in combination, teaches or suggests a rear holder that the peripheral corner portions in the rear side of the windows are removed therefrom. Thus, one of ordinary skill in the art would not be motivated to combine the features all the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2 and 3 depend from claim 1 and includes all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Withdrawal of the rejection is respectfully requested.

Newly-added claim 4 also includes features not shown in the applied art. Specifically, none of the applied art teaches a rear holder having a front face and a rear face defining a thickness therebetween and having one or more windows for allowing the designs variably displayed in said variable display device to be observed with each window having a first recessed portion formed into the front face and a second recessed portion formed into the rear face and being larger than the first recessed portion and with an interface of the first and second recessed portions defining a stepped-down rear holder surface disposed between the front face and the rear face such that the stepped-down rear holder surface surrounds the first recessed portion. Support for these features is found in Figure Figs. 3A and, particularly, 3B.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

In view of the foregoing, reconsideration of the application and allowance of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

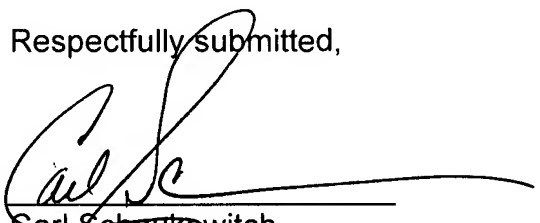
Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same,

the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

Date: June 20, 2007

By:


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Enclosure(s): Amendment Transmittal
 Petition for Extension of Time (3 months)

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